

## **REMARKS**

Claims 1-40 are pending in the present application with claims 1, 12, 17, 21, 28, and 37 being independent. Claims 1, 12, 16-18, 21, 28, and 37 have been amended. No new matter has been added.

In the final rejection dated September 24, 2009, claims 1-40 are rejected under 35 U.S.C. §103(a). Applicants respectfully request reconsideration and withdrawal of the rejection of the claims consistent with the following remarks.

### **Examiner Interview**

Applicants thank Examiner Tiv for conducting an interview with applicants' undersigned representative on November 4, 2009. Applicants' representative and the examiner discussed the subject matter of the claims and the cited art. Applicants set forth below a summary of the arguments presented in the interview.

### **Rejections under 35 U.S.C §103**

In the final rejection, claims 1-3, 6-8, and 12-19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0026500 filed by Kanefsky *et al.* (hereinafter "Kanefsky") in view of a CNN.com webpage dated January 29, 2003 (hereinafter "CNN") in view of U.S. Patent No. 6,259,471 issued to Peters *et al.* (hereinafter "Peters") in further view of U.S. Patent Application Publication No. 2002/0177454 filed by Karri *et al.* (hereinafter "Karri"). Applicants respectfully traverse this rejection.

Claim 1 recites "determining, at the content sharing system, that a recipient device is capable of rendering the content". Applicants respectfully assert that the asserted references do not disclose or suggest this element.

The final rejection cites several paragraphs of Kanefsky that describe mobile devices and application servers ([0026]-[0027]), URLs identifying content ([0032]), Kanefsky's method of prompting a user for information ([0058]), and Kanefsky's method of presenting and detecting user selection of options to send content to other users ([0035]-[0038]). However, none of the

cited sections of Kanefsky disclose or suggest determining that a recipient device is capable of rendering the content.

The remaining references fail to cure this deficiency of Kanefsky. CNN describes a means of receiving a request message. The cited section of Peters describes determining whether a telephone number is associated with a subscriber. Karri describes using multiple protocols to send messages. None of these references disclose or suggest determining that a recipient device is capable of rendering the content.

Because Kanefsky, CNN, Peters, and Karri, taken individually or together fail to disclose or suggest each and every element of claim 1 and the arrangement of those elements, these references cannot be said to render obvious the subject matter of claim 1. For similar reasons, these references cannot be said to disclose or suggest the subject matter of independent claims 12 and 17. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 12, and 17 under 35 U.S.C. §103(a).

Claims 21, 22, and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0087326 filed by Dunko *et al.* (hereinafter “Dunko”) in view of U.S. Patent No. 6,047,327 issued to Tso *et al.* (hereinafter “Tso”) in further view of Peters. Applicants respectfully traverse this rejection.

Claim 21 recites “wherein at least one of the multiple gateways is configured for determining that each of the mobile devices is capable of rendering the content”. Applicants respectfully assert that the cited references do not disclose or suggest this element.

The cited sections of Dunko (paragraphs [0004], [0042], [0044] and figures 1-16) describe Dunko’s method of sharing content wherein devices must agree ahead of time to engage in a content sharing session at a predetermined time. The cited sections of Tso describe a content server and database. The cited section of Peters describes determining whether a telephone number is associated with a subscriber. None of these references disclose or suggest a gateway configured for determining that each of the mobile devices is capable of rendering the content.

Because Dunko, Tso, and Peters, taken individually or together fail to disclose or suggest each and every element of claim 21 and the arrangement of those elements, these references

cannot be said to render obvious the subject matter of claim 21. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. §103(a).

Claims 28, 29, 33, 34, 36, and 37 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over CNN in view of Dunko in further view of Peters. Applicants respectfully traverse this rejection.

Claim 28 recites “wherein the content sharing application determines that the recipient device is capable of rendering the content”. Applicants respectfully assert that the cited references do not disclose or suggest this element.

The cited sections CNN describe identifiers of content to be shared and user selectable links to a server that can facilitate sharing the content. The cited sections of Dunko describe Dunko’s method of sharing content wherein devices must agree ahead of time to engage in a content sharing session at a predetermined time. The cited section of Peters describes determining whether a telephone number is associated with a subscriber. None of these references disclose or suggest a content sharing application that determines that a recipient device is capable of rendering the content.

Because CNN, Dunko, and Peters taken individually or together fail to disclose or suggest each and every element of claim 28 and the arrangement of those elements, these references cannot be said to render obvious the subject matter of claim 28. For similar reasons, these references cannot be said to disclose or suggest the subject matter of independent claim 37. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 28 and 37 under 35 U.S.C. §103(a).

Applicants acknowledge that the final rejection asserts additional grounds for rejection of the claims that are dependent upon claims 1, 12, 17, 21, 28, and 37. However, in view of the traversals set forth with respect to the independent claims, applicants believe that all such dependent claims are in condition for allowance by virtue of their dependence upon independent claim 1, 12, 17, 21, 28, and 37, rendering the rejections of those claims moot. Moreover, applicants submit that the remaining claims recite features that provide a separate basis for

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patentability. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of all claims that depend from independent claims 1, 12, 17, 21, 28, and 37.

Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

### **CONCLUSION**

In view of the foregoing, applicants respectfully submit that this application, including claims 1-40 is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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